

REMARKS

Claims 4, 18 – 40 and 44 – 55 are cancelled. Claims 1 – 3, 5 – 17, and 41 – 43 are now pending.

Non-elected claims 18 – 40 and 44 – 55 are cancelled without prejudice to Applicants filing a divisional application(s) with the subject matter thereof.

In accordance with the accompanying Petition for Unintentionally Delayed Priority Claim, the specification has been amended to make reference to the claimed priority of the Applicants' provisional application.

Applicants respectfully request that the rejections of record be reconsidered and withdrawn in view of the following remarks.

Each of the rejections under §103(a) in the final Office Action relies on the Marton publication. Therefore, the remarks herein are responsive and directed to all of the pending rejections in this application.

Without conceding to the merits of any of the rejections, it is respectfully submitted that the Marton PCT publication, cited in the Office Action, does not constitute prior art, because under 102(e) it was only available as a reference as of its priority date of February 5, 2001.

The present application now claims priority to the date of the underlying provisional application, which was filed January 4, 2001, prior to the Marton priority provisional date. Therefore, withdrawal of each and every rejection in the Office Action is proper.

September 14, 2004
US Serial No. 10/035,215

It is respectfully submitted that claims 1 – 3, 5 – 17, and 41 – 43 are in condition for allowance.

Prompt allowance of this application is earnestly solicited.

Respectfully submitted,



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Enclosures: Request for Continued Examination
Petition for Unintentionally Delayed Priority Claim